

## Shaiken, Benjamin

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**From:** Mshah000011@aol.com  
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To the Committee:

My name is Bobby Shah, 315 Hillfield Road, Hamden, Connecticut 06518, email: [mshah000011@aol.com](mailto:mshah000011@aol.com), and I respectfully submit this written testimony with respect to "An Act Concerning Abandoned Electric Generating Facilities and Corporate Responsibility" (the "Bill").

I am AGAINST the Bill as it is currently drafted.

The law is extremely flawed insofar as it states in Section 2(c)(3) that "Liability for all environmental remediation costs shall revert to the *former owner* of the abandoned electric generating facility." (emphasis added)

The provision should be changed to state that liability shall revert "to the utility", or, "to the owner of the site when the plant was decommissioned."

The law in its current form is ambiguous as to who bears liability for environmental remediation. One could certainly interpret the language "former owner" to mean that if a party purchases a polluted former power plant from a utility, then that party shall bear the responsibility of remediating the site. This will discourage brownfield development and let the polluter – which in practically every case is the utility – off the hook. Indeed, it will encourage utilities to sell polluted sites to under-resourced buyers, to create an "owner" to assume liability.

It is important to note that the utility is almost always the only party that pollutes a power plant site, as well as the only party that has the resources to remediate a contaminated site.

It would be a mistake to even share the liability between the "former owner" and the utility, because then the utility will litigate for years over the allocation of liability. Current federal law requires utilities to remediate sites they pollute. However, utilities routinely evade the law by litigating for years over the allocation. A lawsuit over allocation can drag out for many years. Because few owners have the resources for drawn out legal battles, few lawsuits are brought against utilities and they evade liability altogether.

I applaud the Legislature for its attempt to effectuate reform in this area. There is a real need for legislative action. I can attest from my own experience as Manager of Asnat Realty LLC -- owner of the English Station site in New Haven -- that the law in its current form does not compel utilities to take responsibility and remediate sites they pollute. United Illuminating ("UI") owned the English Station site for decades, while it was a coal-fired power plant and later a diesel-fired power plant. During this period, the site became highly contaminated with PCB's, asbestos and other contaminants. UI has steadfastly

refused to accept any responsibility for its actions. It has chosen, instead, to engage in a ferocious campaign of litigation that has left the site in limbo for over ten years. The cost of litigation is far less than the cost of remediation, so utilities litigate rather than remediate. Only strong legislative action will compel utilities to take responsibility for the pollution they leave behind.

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